

House File 2325 - Introduced

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A BILL FOR

1 An Act requiring landowner approval for a pipeline company
2 submitting a request for the right to exercise eminent
3 domain and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 479B.16, subsection 1, Code 2022, is
2 amended to read as follows:

3 1. A pipeline company granted a pipeline permit shall,
4 subject to subsection 4, be vested with the right of eminent
5 domain, to the extent necessary and as prescribed and approved
6 by the board, not exceeding seventy-five feet in width for
7 right-of-way and not exceeding one acre in any one location in
8 addition to right-of-way for the location of pumps, pressure
9 apparatus, or other stations or equipment necessary to
10 the proper operation of its pipeline. The board may grant
11 additional eminent domain rights where the pipeline company
12 has presented sufficient evidence to adequately demonstrate
13 that a greater area is required for the proper construction,
14 operation, and maintenance of the pipeline or for the location
15 of pumps, pressure apparatus, or other stations or equipment
16 necessary to the proper operation of its pipeline.

17 Sec. 2. Section 479B.16, Code 2022, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4. A pipeline company granted a pipeline
20 permit and seeking the right of eminent domain under this
21 chapter shall acquire the consent of ninety percent or more of
22 landowners whose property shall be subject to an easement prior
23 to beginning pipeline construction. The pipeline company shall
24 submit evidence of landowner approval to the board.

25 Sec. 3. APPLICABILITY. This Act applies to applications to
26 construct a new pipeline submitted on or after the effective
27 date of the Act.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to a pipeline company seeking eminent
32 domain rights for a pipeline construction project.

33 The bill requires a pipeline company seeking to use eminent
34 domain to acquire approval from landowners owning 90 percent of
35 the land affected by the pipeline project prior to beginning

1 pipeline construction. The pipeline company shall submit
2 evidence of landowner approval to the utilities board within
3 the utilities division of the department of commerce. The bill
4 applies to pipeline companies seeking eminent domain approval
5 on or after the effective date of the bill.